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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA,

Plaintiff,

vs.

JOSE ALFREDO PADILLA,

Defendant.

) Case No. SA CR 05-152-DSF

) **ORDER OF DETENTION**

I

A. () On motion by the Government/ () on Court's own motion, in a case allegedly involving:

1. () a serious risk that the defendant will flee.
2. () a serious risk that the defendant will:
 - a. () obstruct or attempt to obstruct justice.
 - b. () threaten, injure or intimidate a prospective witness or juror, or attempt to do so.
3. (X) a violation of supervised release.

II

A. ☐ The Court finds that no condition or combination of conditions will reasonably assure:

1. ☐ the appearance of the defendant as required.

☐ and/or

2. ☐ the safety of any person or the community.

B. ☒ Defendant has not established by clear and convincing evidence to the contrary that he does not pose a risk of flight or danger to the community as provided in 18 U.S.C. § 3143 (a).

III

The Court has considered:

A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

B. the weight of evidence against the defendant;

C. the history and characteristics of the defendant; and

D. the nature and seriousness of the danger to any person or the community.

IV

The Court bases the foregoing finding(s) on the following:

A. ☐ As to flight risk:

B. ☐ As to danger:

VI

A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.

D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 11, 2011



MARC L. GOLDMAN
UNITED STATES MAGISTRATE JUDGE